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International Court of Justice

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I certify that none of the documents included herein have been denied by the tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les règles du Tribunal, en date du 4 Avril 1946.

Ich bestaetige, dass keine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1946.

F. Seidl

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers

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Fr. 11

1391-PS

Reichsgesetzblatt 1934

No. 78 - Berlin, 12 July 1934

Law on the Academy for German Law.

of 11 July 1934

The government of the Reich has agreed upon the following law which is announced herewith:

Para. 1

Having been until now a body of the public law in Bavaria, the Academy for German Law becomes a public body of the Reich.

The Academy shall be a legal person in its own right. It has its seat in Munich.

Para. 2

It shall be the task of the Academy to further the reorganization of the Law in Germany. In constant close contact with the agencies competent for legislation, it shall further the realization of the National Socialist Program in the realm of the Law.

Para. 3

The Academy shall be under the supervision of the Reich Minister of Justice and the Reich Minister of the Interior.

Para. 4

The president of the Academy will be appointed and dismissed by the Reich Chancellor. The office of President is an honorary office. The president represents the Academy in legal and other questions.

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Para. 5

Unless regulated by stipulations in the law itself the legal status of the Academy is determined by the statute attached to this law.

Berlin 11 July 1934

The Reich Chancellor

A d o l f H i t l e r

The Reich Minister of Justice

D r . G u e r t n e r

Annex

Statute of the Academy for German Law

Para. 1

It is the taks of the Academy for German Law to further the rejuvenation of the Law in Germany. Closely connected with the agencies competent for legislation, it shall further the realization of the National Socialist Program in the realm of the Law. This task shall be carried out through well-fixed scientific methods.

The academy's task shall cover primarily:

1. The composition, the initiation, judging, and preparing of drafts of law.
2. The collaboration in rejuvenating and unifying the training in jurisprudence and political science.
3. The editing and supporting of scientific publications:

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4. The financial assistance for research and work in specific fields of Law and Political Economy.
5. The organization of scientific meetings and the organization of courses.
6. The cultivation of connections to similar institutions in foreign countries.

Para. 2

For the execution of its task, the Academy may set up special committees handling particular cases. These committees shall have as members outstanding specialists in jurisprudence and practice of the Law as well as experts in Economic Affairs. As a rule, a respectable member of the Academy, shall be the chairman of Committees. The President of the academy shall receive reports on the results of the work done by the committees.

Para. 3.

The organs of the Academy are:

1. The President,
2. The Board of Directors.

Para. 4

In addition to the responsibilities fixed by the Law, the President shall have to carry out the following duties.

1. The internal control of the Academy particularly the fixing and distribution of the various duties & the forming of committees and the appointment of the chairman and members of the committees.
2. The draft of the budget of the Academy, the rendering of the account and the administration of the property.
3. The nomination and the dismissal of members.

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4. The appointment of his deputy, of the members of the Board of Directors and of the Treasurer -- all from among the members of the Academy.
5. The changing of the statutes.

In case the President is unable to carry out his duties, they will be carried out by his deputy.

A change of the statutes and the nomination of the President' deputy requires the confirmation of the competent Ministers of the Reich. As for the draft of the budjet, and the rendering of the account, the provisions contained in Art 9 to 12 shall be applied.

Para. 5

The Board of Directors shall support and advise the President; it shall discuss the budjet and make a preliminary examination of the rendering of the account.

Para. 6

The academy consists of:

1. Ordinary,
2. extraordinary,
3. supporting,
4. corresponding members.

Para. 7

Members are nominated for a term of 4 years. The number of ordinary members is not to exceed 300.

The ordinary members are compelled to participate in the meeting of the Academy and, according to rules set forth by the President, to cooperate in accomplishing the goal of the Academy.

Para. 8

The financial administration of the Academy will be handled by the treasurer. Current administrative matters will be handled by a director who will have a contract with the Academy.

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Para. 9

It shall be up. to the President to plan the budget before the beginning of each fiscal year (Rechnungsjahr). This draft shall show and adjust all receipts andexpenditures to be expected during the fiscal year--separated according to purpose and valuation. Only those expenditures are authorized which, after careful verification, are necessary for the completion of the tasks which the Academy is to fulfill according to Law or Statute. Before being put, into effect, the budget-plan shall be discussed by the Board of Directors.

Para. 10

The consent of the competent Ministers of the Reich is required for the budget-plan. The Reich Minister of Justice shall receive it at a date set forth by him but not later than one month before the beginning of the new fiscal year.

Para. 11

The President shall have to account for all receipts and expenditures at the end of the fiscal year. This account shall be checked by the Board of Directors and passed on by it, with adequate comments, to the Reich Minister of Justice

Para. 12

As for the drafting and execution of the budget, for financial administration and for bookkeeping as well as for the accounting, auditing and certification of accounting, the regulations of the Reich's budget apply.

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Fr. 12

Journal of the Academy of German Law 1937

Berlin, 1 January 1937.

Page 1.2.

For the New Year's season!

..... For that does not exist any longer in German legal thinking we realize that in reality supreme right can never be supreme wrong, as much as we decline to have the thesis:

"Right is that which is useful to the people"

interpreted in the sense of a plain philosophy of usefulness. For as truly as law must serve life if it does not want to renounce itself, as truly each wrong bears in itself the seed of death and causes most serious damages to the people.....

For the New Year I offer my best wishes to all participating in the work of the academy, especially to the chairmen and members of the working committees, the loyal friends of the academy at home and abroad and also to all German law guardians.

Heil Hitler!

(signed) Dr. Frank
Reich Minister

President of the Academy for German Law.

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Fr. 13

Journal of the Academy for German Law, 1938.
Berlin, 1 January 1938

Pages 3,4

The Task of the Law.

A Review of the Year 1937.

By Reichsminister Dr. Hans Frank, President of the Academy of German Law.

... But to us law is nothing but the living order of this living national community and it comprises both the historic idea which determined Germany's mission and the last fulfillment of the last legal act in the private or public life of everyday. By making the five substantial values of the German people - people, state, military power, honor, labor - the central point about which all legal thinking revolves, we did not remove at all the law as such from the sphere of morality. There is no genuine law, there is no true morality which do not stand in the service of life!

However, this does not mean anything but that law and morality stand in a demanding and serving relationship to a concrete national community. The word coined by me: "Right is what is useful to the people" must not be understood in any other way. The enemies of National Socialism make it too easy for themselves if, in utilitarian falsification, they draw the flat inverse conclusion that as far as we are concerned all that allegedly serves the people is law for that reason alone. We know very well the warning against false prophets and demagogues which Plato, put in Socrates mouth in the 6th book of his "State".

"It is as though someone observed carefully the instincts and desires of a great and powerful beast, how to approach it and how to handle it, when it is most dangerous and when it is tamest

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and what makes it to be like that and the sounds which it usually utters every time on various occasions and again what sounds from some other beast soothes and infuriates it; but when he has observed all that about it from long acquaintance with it, then you can continue to draw the picture: He calls that wisdom and puts it by an artful process on a scientific basis and sets himself up as a teacher of this science without really understanding anything of these doctrines and desires as to how some of it is beautiful or ugly or good or bad or just or unjust, all of them designations which despite his ignorance he applies to the psychic emotions of the powerful animal by calling everything good which causes it pleasure, by calling bad which makes it annoyed; he has no other proof for it, but he declares what appears as immediate to be just and beautiful, but neither does he realize the nature of the necessity and good in its really strong contradiction to one another nor is he able to show it to somebody else."

It is true that Plato did not go beyond the merely formal determination of law and justice, whereas Aristotle only turned to a substantial determination of the concept by calling justice a "thing of the state" in his book "Politics"; "for the law is nothing but the order prevailing in the national community, and it is just this law which also decides what it just" (Ist book, 2nd chapter).

These realizations have long been forgotten. The thing for which we must blame the science of law of the late 19th century is that the science of law thought it could afford to neglect these realizations although they were brought to light once more by German Idealism, above all by Hegel, by German Romanticism

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and by the historical school of law. A law which does not keep the people in discipline and shapes it time and again by holding this people to the historic idea under which it has started on its road, such a law is of no "use" for the people, it misses the real life in a higher sense if it places itself into the service of meeting the needs of the insignificant everyday life. The person who, without prejudice, has studied the development of the National Socialist law on the basis of the reception it met with in the great legislative achievements of the last years, will clearly recognize in whose service German law has been and whether it is oriented "idealistically" or "materialistically". Certainly, the law never exhausts itself in legislation which easily possesses "the accidental of wilfulness and other peculiarities" as was stated by H e g e l in his philosophy of law (par. 212). However, the same Hegel, perhaps the greatest philosopher of law and political science whom the German people has ever produced, opposed unambiguously and with good reasons a pure "case law" or "judge law" as it exists for instance in England. Now, that the ideological and political foundations are laid for all times, that the question is no longer to find the existing new and to formulate it, the truth of a powerful word is shown: "To deny a cultured nation or its legal profession the faculty of making a code of laws, because the question is not to make a system of laws new as to their contents, but to realize in its dermined generality the existing legal contents, i.e., to take it over and give it direction and adding the application to the particular

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would be one of the greatest affronts which could be done to a nation or the legal profession." (Philosophy of Law, par. 211).

The Academy of German Law has realized the call of our time for making laws and is aware of its great responsibilities in the service of the people's law. The Academy knows that in the future years the burden of work will rather increase than decrease and is prepared for it in every respect. The fact that today the Academy constitutes such an incomparable instrument in the struggle for good law for the German nation is owing in no minor extent to the devoted, mostly honorary work of its associates, friends and supporters, but also to the understanding collaboration of the competent offices of the movement and state. We may cross the threshold to the new year with a grateful heart in order to render further service to the law.

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Congress of German Law 1939 (USA - 670)

Congress of German Law 1939. 6th Reich Convention of the National Socialist Law Guardians League (Rechtswahrerbund). Published by the National Socialist Law Guardians League.

Pages 753,758,762,763

The Concluding Rally.

On Sunday 21 May the first greater German Congress of Law Guardians was concluded with an impressive rally in Hall VII of the Ausstellungsgelaende (exhibition field). Once again more than 25000 law guardians who had come to Leipzig on this day participated in the various special conventions and a great part of them also had the impressive experience of the festive concluding rally at which the Reich Legal Leader, Reichsminister Dr. Frank and Reichsminister Dr. Seyss-Inquart spoke.....

Page 758

.....

Then

Reichsleiter Reichsminister Dr. Frank

delivered the concluding address in which he stated among other points:.....

Page 762

.... In firm solidarity the German people today serves its ideal: To retain the full safety of life of its people and our territorial and economic independence. The durability of the national order, however, can only grow out of the protection of the national community by the legal instutions. It is the law only which can guarantee the protection of the Reich against criminals and the protection of the decent fellow countryman against despotism and injustice.

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The ideal of the protection through law ties Reich and fellow countrymen together. It is for the structure of the state that the individual needs the protection of a quiet fulfilment of a life duty. What is due to the individual in honor, liberty, proceeds of work, family and peace of law, does not belong to him as an egotistical advantage, but for the fulfilment of a general national function.

In this simple formulation of the relationship between community and the individual lies the original problem of every law order. If the individual as an individual is made too strong by the order of law, then on account of the battle for profit of all against all, the community will fall apart. But if the order of the community limits the development of personal effort to such an extent that the latter shrinks to a minimum, the safety of the community will be destroyed together with the person. The formation of the legal protection of Reich and fellow countryman carries the highest degree of responsibility. The legal protection must exist for both. The community ideal of mutual recognition of each other's rights and mutual guaranty of each other's legal status necessary both for the community and the individual cannot be emphasized enough. Just as the protection by law guarantees life within the community, the development of this life allows for continued progress of the community values. Only if the methods of legal protection are applied, if true judgments are passed and the legislative law ideal is clearly fulfilled that the community of the people can exist permanently. This legal method which permanently ensures the fulfilment of the tasks of the community has been given as a task to you, fellow guardians of the law. Ancient Germanic principles have come down to us through centuries.

1) Nobody shall be judged who has not had the opportunity of defending himself.

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2) Nobody shall lose the properties used by him in accordance with national standards, unless by decision of the judge. Honor, liberty, life proceed from work are such properties.

3) Everyone who is under indictment, regardless of the [illegible] procedure, regardless of the reasons and application of what law [illegible] the possibility of taking a defense counsel who is able to make legal statements for him, he must get a hearing which is legal and objective in finding the decision. If these principles will be adhered to in a community, then the Germanic law ideal will be fulfilled.

Certainly, the law must never become a sphere of protection for the enemies of the community. But nobody is to be treated definitely as an enemy of national community who has not been convicted as such .....

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Fr. 14

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Frank's Diary 1941 Vol. IV Page 1057-1064, Entries of Nov. 19, 1941

Page 1057:

Wednesday, Nov. 19, 1941

Session of the Main Division Chiefs and Reich Group Directors of the NSRB.

(NS Lawguardians)

Page 1058:

At the end of the session Reich Minister Reichsleiter Dr. Frank makes the following statements:

Page 1059:

That means that in accordance with the opinion of the Fuehrer it was necessary that the goal of the security of the state replaced to a great extent the security of the Reich of earlier times. It was said: it does not matter to me by what means I reach this goal of state security in any given case, all I want is to have a security which surpasses by far the normal measure in order to maintain under all circumstances the authority of the Reich leadership during this fateful struggle with the mortal enemies of the German nation. Therefore we had to submit to the fact that through the establishment of different police jurisdictions an insecurity filtered into the legal life of the German nation which was almost unbearable. Again and again it is the ultimate question for us - and it is our duty to ask it over and over again and to act accordingly -, that authority must not be confounded with force, and that force again must not be confounded with power. During all these years we tried systematically to make it clear that our idea of authoritarian Reich leadership - i. e. one which enables the individual to find his right through an independent judge in any case, in which he feels treated unjustly,

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is just as national socialist as the method of force. We have to beware of believing by any chance that we would represent a sort of alien body within the national socialist concept of the state if we contine to develop our idea in this direction.

I am very happy that the Fuehrer now has talked at different times of a return to the program of the party and of its continued execution. Point 19 of the party program contains a lot and something of tremendous importance. It is the great basis on which I carry on also my own struggle for right. This promise of a German common law shines over our work. It means that a person who does not commit any wrong which can be proven shall suffer no wrong either by the leadership of the state or by its agencies. It means that an independent system of justice must be maintained under all circumstances. It further means that in every case the position of a judge of the German State must be vested with the highest authority in our community undisputed by all agencies of the Reich and the party. It finally means that under no circumstances a police regime of despotism and the mass elimination of opponents by placing them into concentration camps for any arbitrary reason must be permitted to take the place of civilized jurisdiction.

That is the essence of point 19 of the party program and the struggle for right must serve it. Let us rejoice in the fact that national socialists represent this holy idea, which belongs to the deepest revelations of German spirit. Woe to us if in a few decades, out of the continuation of any development whatsoever in this direction aiming at further desintegration of general justice opposition against the state would not arise any longer out of the movement of the NSDAP but out of an absolutely new and uncontrollable movement of the masses.

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Therefore, it is a very serious task which we have imposed upon ourselves and we must always emphasize that it can be fulfilled only with courage and absolute self-sacrifice. I observe this development with great attention. I watch every anti-juridical tendency. From history I know only too well - as you all do - the attempts to seize far reaching power in the general situation, because one has weapons to shoot with and because one has some authority on the basis of which one can make arrested people disappear. By this I do not only mean the attempts undertaken by the SS, the SD and by the Central Police Office but primarily the attempts by many other agencies of the State and the Reich to exclude themselves from general jurisdiction. We hear today that the Reich Finance Ministry is starting to establish a type of a tax adviser, who is supposed to eliminate completely the final authority, so to speak, namely the influence of a general juridical conception. It is the general tendency of the Reichnaehrstand (agricultural agency), the Ministries, the police, the party, or inumerable other bureaus to be all at once legislator, administrator and supreme judge in their own affairs. Even though we fictionally have a centralized Reich now as far as the outside world is concerned, we are presently experiencing the development that a complete institutional decentralization is taking the place of the former territorial decentralization. This development will lead to the point that the conception of legality self-evidently will no longer be formed out of the uniform source of legal awareness, the ethnor even racial legal awareness possibly as advocated by the movement but that instead the conception of legality will lose its general character and will be degraded to mere utilitarianism.

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One has to observe this development attentively. It disguises itself in the most harmless formulations. Above all it is said: the legal way is impossible in this or that case; it is a general practice that in this trial no lawyers are admitted. One also uses the other formula: in this certain case the final decision is made by such and such ministry. Another attempts has been made not too long ago in the form of the great onslaught by the Security Police in proposing a law concerning enemies of the national community, a law which would have established the absolute power of the Reich Security Main Office (RSHA). The bill was not dealt with any further for the time being, but to my knowledge it is to be introduced again very soon. According to this bill an enemy of the community, - and everybody could be declared to be one - could complain to a chamber of appeal of the Reich Security Main Office, consisting of three members, one of whom even has to have the qualifications of a judge. In this I see a renewed attempt at camouflage. Not at any price in the whole world does one want a real judge to look into these things. One wants under all circumstances to get jurisdiction into one's own hands.

In view of the seriousness of this situation in the development of law, however, I do not believe that such a task can be solved by the state or by a ministry. For the internal situation of the ministerial administration of the German Reich is extremely deplorable. The ministries hardly maintain any longer the necessary contact with each other. Cabinet sessions no longer take place at all. Concerted orientation about the most necessary daily affairs no longer exists either. In the ministries all those separate fortresses are forming which hardly maintain contact with each other and which try everything to have the direct possible connections with the higher authorities.

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From the fact that the Fuehrer is retained at the front by the war the possibility results that by way of different intermediate party or other offices influences make themselves felt, which the ministries, having no personal contact with the Fuehrer, - must regard as Fuehrer decisions. Great many new fields of jurisdiction have been created, which, again under the pressure of war or the pretense of war necessity usurp numerous spheres of jurisdiction so that the confusion can no longer be overcome and so that we really live no longer in an orderly sphere of administration but in a chaos. It can be easily understood that in view of all this the individual ministries have enough trouble maintaining their own official internal work. Therefore, we have to appreciate all the efforts by our fellow party members in the ministries to maintain the authority of their offices in the face of these difficulties.

But our, the Reich League of Law Guardians, main task is to lead the fight for justice in a professional sense. It is up to us to prepare the guiding principles of state actions. That is the task of our political movement. Therefore, we are obliged to profess - also as National Socialists - that as long as we shall breathe, we shall see in the N.S. League of Law Guardians not only a professional labor-union-like organization advocating class struggle but instedd a far reaching militant movement provided with the world historical aspects to obtain the execution of point 19 of the party program.

I do not intend at all to make retractions for anybody. I am as good a National Socialist as the next one, as good a Reichsleiter as the next one, have been a member of the movement for just as long a time, in fact, maybe much longer than others and I possess just as much of the confidence of the Fuehrer as others do .....

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We must not let those developments discourage us and give in or say resignedly: Nothing can be done against them anyway. No, we have to say: it is the mission and the task of the League of Law Guardians to point out time and again that the Reich cannot exist without Law, it can not be without Law, without justice in the sense that the German racial comrade who does right gets his right and that only the one who does wrong suffers wrong. The protection of his honor, the protection of liberty and life must be rendered to him by the community. Woe to justice, woe to us, if despotis wins, if the danger wins, that the concept of right is replaced by the madness of might. Since the time I first joined the movement, i.e., for more than 22 years by now I have never done anything but represented the right and attempted together with many others, to make this idea of justice prevail in the party. I am an absolute optimist and have every reason also after my personal discussion with the Fuehrer at Munich a few days ago to assume that the development will proceed in accordance with our views. It is always that way: Great, tremendous powers of the universal order sway in the air and wait that the living personifications will apply them. This idea of justice guided our nations through the milleniums. Force rules only from day to day and vanishes into thin air one day, when true culture rises again.

I have conducted this fight by now for 22 years. Many have tired, perhaps. We did not have any support: we had to build up from nothing as Dr.Haeuber stated correctly. You have always served the cause faithfully. Especially this body, which has assembled here today can claim for itself to a full extent

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that it has always advocated the tasks of the NSRB. And thus I belive that Adolf Hitler's victory will also be the victory of German justice. One cannot debase law to a commercial item; one cannot sell it. It is there or it is not there. Law cannot be handled on the stock exchange. If justice is not supported the State looses its moral foundation; it sinks into the abyss of night and horror.

Fl. 15

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Franks Diary 1942, Vol. II, Page 498, 499 - 509

Notes of 8th July 1942.

Page 498

Tuesday June 9, 1942 in the new Aula of the Friedrich-Wilhelm University the Governor General talks to professors and students on the subject:

The Idea of Justice and the National Community.

Page 499:

On invitation by the faculty of Law and Political Science of the Friedrich Wilhelm University at Berlin Governor General Reichminister Dr. Hans Frank spoke on the subject "The Idea of Justice and the National Community."

After a short introduction of the Deanof the University of Berlin Professor Dr. Kreuz, Reichminister Dr. Frank began with his lecture. He stated the following:

Page 500:

The influence exercised on the law by a war is very often interpreted into the dangerous words: "Inter arma silent leges". This ancient slogan that law is silent when weapons talk I cannot recognize in its totality. The lawyer will always recognize the priority of war. I am of the opinion, however, that during a war with all the sensitive social nerve zones, first of all, the people's sensitivity for justice requires by all means the strictest consideration. So the law cannot be neglected during a war or pushed aside, but - if put into the service of war - it has to be incorporated into the necessity of war without any restrictions and it will participate to finish the decisive struggle of the weapons with victory at any cost. This means that legislation as well as

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jurisdiction will safeguard for our nation the prerequisites for victory, i.e. the external necessities of order and the internal safeguarding of values. So every soldier as well as the citizen and anybody else who stands under legal authority of the Reich will fight this war for the right ..... No empire can conceivably exist without law - or be against law. Empire and law belong together, as the experiences of world history have taught us. Therefore war time justice has to be regarded as a special zone with its own laws cut out from the normal development of legal history. I would like also to state my confession today which I have repeated already so often: I believe in the possibility of a combined authoritarian state leadership with the independence of judges. I believe in the possibility of establishing safety under the law in the broadest sense of the term in the authoritarian state.

.....

In view of his declaration in his last Reichstags speech the Fuehrer has talked to me about this on the occasion of our meeting on May 23 1942 and has empowered me to say the following:

The Fuehrer is of the opinion that by far the greatest majority of the German judges have fulfilled their tasks exceedingly well. He will therefore see to it that jurisdiction will be co-ordinated with the war goal only in such instances where the uniform leadership of the Reich is endangered by the jurisdiction in individual cases. It is clear that according to our opinion only a judge can administer justice. . . . . .

It is now the task of future development to avail itself fully of the possibilities of German jurisdiction. And we have to start out from the following principles: a nation cannot be ruled by force,

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national life without law is unthinkable. Force is only a technical moment, which can never replace the law. So the German nation lives by her rights as a free people and can never be forced by pressure into a national community.

The German has in his racial character a trait which has to be taken extremely seriously: An extraordinary craving for justice and a sense of justice. Out of the longing for law and justice have sprung the most beautiful motives of our national life. However, like all cultural values tl law also needs protection of the State. On the other hand it cannot be that in a state a member of the community is robbed of honor, liberty, life and property, that he is expelled and condemned without first being able to defend himself against the charges brought against him. The Armed Forces can serve us as a model in this. Every one is a free, honored member with equal rights in the community, until a judge - standing independently above him, has weighed and judged between indictment and defense. Audiatur et altera pars - the other side must be heard too. It is the old solemn picture of German justice: Here stands the repres ntive of the community, the prosecutor who brings up the accusation, - there is the defendant who can take his stand against the accusation in free speech and who can defend his rights as a free man. But above both of them, independent in the fullest sense of the word, presides a judge who weighs both of them according to his laws and his sense of justice and who passes the final sentence.

H0664-0027

Especially here we want to profess our faith in the judges in front of the future generation of law guardians with joy and pride contrary to all slander of this legal work and we want to say that this aspect of legal work represents one of the proudest missions of racial consciousness. As German national socialists we are just as good as anybody else, and therefore we have to devote ourselves in the interest of the Reich of Adolf Hitler to our juridical tasks at this very time when one likes so much to critisize the work of the law guardians with cheap words.

We have a proud profession. We shall remember in this great empire that thousands and thousands of participants in the life of the German legal profession have died for the victory of the Fuehrer and the Reich and that a multitude of German men of the law have been decorated with the highest decorations of this war. Therefore we are certain that the legal development and the legal profession will have a great future in Germany. .....

Therefore we stand up in the history of our Reich with full consciousness for this idea of justice. But the idea of justice means: protection to the racial comrade in the work for the common good. Only by sentence of a judge it shall be possible to deprive some one of liberty, honor, life and honestly earned socially just property: "No national community without rights." With this realization in mind I beg the Fuehrer whenever I see him: "Fuehrer, protect us and our German rights."

The observer and the protector of the law is the judge. By representing not only the function of the community towards the individual, but also the interest of the individual towards the community, the judge is an agent, a balance between community and individual. In view of the exaggerated authority of the state, the independent judge is the only one

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I am aware of the fact that at this moment I am the only one in this hall who may say all this. But I am just as old a party comrade as all the others and I have a right to talk as they do. I will always be in the first ranks in my fidelity for the Fuehrer and as the leader of the National Socialist League of Law Guardians I have to take care of the education of the young law guardians for their future tasks. I have founded the Academy of German law. I have founded the National Legal Office of the NSDAP and I watch over the national socalist clear definition of the law. I believe in the eternal solemn right, the clean application of which alone can make our people ripe for the achievement of the tasks to which the Fuehrer has called it.

I know that justice and judges are always exposed to attack and I have always opposed it in the sharpest manner. But I also know that to be a judge is one of the highest, greatest and most responsible offices within the structure of the German nation. There have been mistakes and errors in jurisdiction and these errors are bad, because they can be harmful in their effect as the national community, but for that reason one cannot want to renounce justice, which has in its human organization also its mistakes just as any other institution, - just as well as one can not blame medicine if one of its prescriptions fails or if despite of all efforts certain diseases still exist.

The law stands above the nation; for the nation is subjected to it. The law also stands below the nation, for it serves the nation. But above all the law is the nation; for it lives in her and it is developed by the racial sense of justice. But the laws set down by us,

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to which we are subject as an expression of our sense of justice, determined the life of our nation.

Criticism of the law shall be our task; for we want to exercise this criticism for the sake of the law. In the same way we also want to admit errors of the judge. However, we also want in the future to defend ourselves as fanatically and decidedly against attacks on us as these attacks have been intended. I personally as well as my associates in the legal profession, we serve all together only one goal, the greatness and strength of our Reich. We want to continue the fight as German men and women, stand up for true genuine justice and sacrifice our work and our efforts to its greatness and sanctity. And therefore we are no worse national socialists than all the others.

I realize that the fight for German law and for the development of the legal practice will not end for a long time to come but will go on for many years. Pray, that the German judge remain conscious of his task to be a servant of the law and of the community, a follower of the Fuehrer and a fighter for the truth.

Under all the stress of this time and the consciousness of the new beginning of a monumental epoch of the greatest empire of our nation there is one motive for us: Law and Reich, the idea of justice and national community are inseparably linked with each other, just as the Fuehrer forms an inseparable unit with his people.

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Fr. 16

2233-PS

Frank's Diary 1942, Volume II, Entries of 1 July 1942.

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Address delivered by Governor General Dr. Frank in the banquet hall of the Academy of Science , Universitaetsplatz 2, on the subject:

"The Law and the European Renovation".

Professor Dr. Fritz Knoll, rector of the University of Vienna, opened the evening with the following words:

Governor General, Gauleiter, Ladies and Gentlemen:

As Rector of the University of Vienna I open this evening of lectures. I welcome you most sincerely, Governor General, and I thank you for your willingness to accept our invitation to give us a lecture on jurisprudence.

Governor General, Reichsleiter and Reich Minister Dr. Frank

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.... Thus we will be confronted with that big task which is bound up with the idea of the European New Order. You will be kind enough to allow me as man of the law to make some statements on this subject today.....

This European New Order should not mean that we intend to try to export our Nationalsocialism and the Italians try to export their Facism, forcing it upon all nations of Europe. This is not the objective. Instead, in this European New Order each nation may live the way it desires, provided that the existence of the state can be reconciled to the necessities of the leadership and the common interests of Europe. I only have to call your attention to the example of Slovakia, which today, like an island of happy people, is

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prospering in the middle of Europe under the protection of Greater Germany. This example shows all European nations that it is very well possible to prosper, live and develop under the protection of the great powers. It is, therefore, not intended to carry on an ideological struggle of the kind which tries to penetrate other nations with our ideas.

..... This result is the decisive prerequisite for the European New Order, which then will constitute a European comradeship for life and death. We do not want to oppress, nor exploit, nor plunder, nor take the right to live from other nations - the history of the Germans proves this - but we desire that these people become conscious of Europe ....

In the framework of this European New Order taking shape under German-Italian leadership - I want to safeguard the mission of the law. That brings me to the essence of my lecture. I begin by again formulating clearly the arguments which I have advocated from the beginning of the movement: there is no state without law; there is no law without judge, and no judge can administer justice without real power which he is guaranteed from above.

No state without law - ours not either!
No law without judge - the German law not either
No judge without true power from above - the German judge not either.

I have always advocated against anybody the idea of justice in the movement, and it is, therefore, not pleasant for me to hear people repeatedly say: We do not need judges nor independent jurisdiction in the totalitarian state we live in. [illegible]

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I shall state over and over again with all my conviction that it would be too bad should ideals advocating a police state be presented as distinctly national socialist ideals and old Germanic ideals of jurisdiction be put into the background entirely.

(long and loud applause)

In point 19 of its program the Party has stipulated the principle that we will establish a German common law. This German common law is something sacred. There is no stronger passion in our people than the longing for justice, the feeling for justice and the need for justice. One cannot always quote Germanic ideals without mentioning one of their most valuable components, namely that justice and judges are the supreme essence of state authority. We must realize that National Socialism as idea and as political maxim indorses Law. . . . .

Therefore, the National Socialist German Workers Party proudly included point 19 in its program. My unforgettable fellow party member Theodor von der Pfordten, the top legal authority in the movement, who fell in November 1925, has left it to me as his legacy when I was still a young student. I shall never tire of arousing the public and backing up time and again the much abused German judges.

(loud applause)

I never have been as proud to profess my membership in the legal profession as in the days when everybody thought it stylish continually to throw dirt at that profession.

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When the judge - decorated with the insignia of the Reich - pronounces the law within our nation, then he acts out of the power of a racial community - exercise, which stands above individual life .....

These elementary contents of the law must be guaranteed in any case, if one can talk at all about application of the law. These elementary ideas mean that no racial comrade can lose life, liberty, honor and property honestly gained as well as other goods necessary for life, without legal decision.

(great applause)

It can not and it must not be the practice that, without any legal judgement these racial-comradely, elementary goodsbe degraded to secondary and absolut ly indiffenent matters.

If there shall be law in a community it is also necessary that everybody who is attacked or accused must be in a position to defend himself.

(continuous, stormy applause)

Otherwise a national order cannot endure. Then I would be concerned not about the law but about the State. Law is eternal, holy, an unreachable ideal of the community, strong and proud, a real divine mission higher than the weary life of human beings. Therefore right is also the great yearning of our time. Everybody errs who mistakes brutality for strength. He is strong, who does not fear the right.

Therefore, in this European new order we have to put point 19 of our party program in the highest rank of factors building the community of our time. Law is indeed protection of the little man of the nation; he has no weapons, he has no other authority. He is

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the football of fate and lives his existence in the form which was assigned to him. He strains himself in his work and worries and cares for the family, honor and life. He would perish if he had not the hope that above him justice of the community has a secured place within the framework of the tasks of the State.

(lively applause)

And, because Europe consists of so-called little people in millions and millions, which are in reality the great, responsible bearers of all racial community fate, Right has a tremendous importance within the European New Order.

But not only that the State, not only that the European community is protected within the Right, - Right is also an elementary ingredient of culture. For Right secures something, which can not be estimated highly enough: it safeguards the creative personality. It may be that it has been emphasized too strongly at times that the individual is nothing, the community is everything.

Our principle: the common good before individual good – has not become self-evident. However, we have to be conscious of the fact, that shall not mean that now the personality of the individual racial comrade should therefore have less protection, less importance, because the priority of the community has primarily been provided with a value, as corresponds with our program. One really can only safeguard a nation and a culture, when one guarantees to the creative personality such a sphere of development legally also, which absolutely must correspondend with the progress of science, of understanding, of research and of artistic performances. It is this creative personality for which we have to beg fate. We can not command genius; fate presents us with geniuses. Geniuses are there and make themselves known and must be heard,

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or they will die and become effective only later on. But what a happy measure if one can regard as compatible the security of Right and the possibility of personal development with an authoritarian community system of our Reich. Here we must also not fear to confess that it is not necessary to stop scientific research at the level of 1933. There is no national socialistic physics or chemistry, and there is no possibility that our movement be drawn into everything that, before somebody is allowed to start research, lecturing and working, - such a multitude of levels be installed in the field of science, - that the young man must be already thrown away as old iron, before he has even received the State license.

(laughter)

Our State and our Reich are so strong that they can finish any professor.

(renewed laughter)

Therefore one should let science develop its specialty, and also the fundamental artistic laws, so that the genius can carry through.

It is a great joy that the Fuehrer himself becomes always clearer and more distinct in this respect. I believe that this occurs from the experience that each misuse of the authoritarian idea in the spiritual field must be condemned.

For us, within the framework of the European New Order, exactly as within the Reich, Right means protection of the little people against the great, protection of the small economic potential against the great, protection of the little powers against the great, and above all protection of

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little Europe against the great spheres of the world. That shines out of our consideration and our orientation towards the idea of Right, on to the great conviction that Right will fulfill its mission just as well as within the Reich as within the European New Order, but not only the complete might of the States, which necessarily today stand in the foreground.

This Right is a remarkable power. I know - and I see it from thousands of letters from racial comrades received from everywhere, - how this consciousness of Right rises within our nation, how one understands now, what we have always said within the frame-work of juridical life, - that justice is the foundation of community. Many, who have formerly ridiculed this word perhaps arrived at the situation where they said: if only there were a judge. And I bear within myself a confessio and a flaming decision: I have but one enemy, and this is the wrong in any form. This wrong must not exist anywhere nor develop anywhere. Right will reward our nation.

Right is also a human institution. Humanity as a concept has lost value, one even denies it. There are many who say: Humanitarianism is something tired, some thing which does not conform to the strength of this era. I am of another opinion Each State, ours also, must make it a principle that its methods comply with the historical task which a State must always fulfill, but that humanitarianism can in no case endanger a State; for humanitarianism may always be brought in conformity with any method of State.

(lively applause)

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Especially we as national socialists have learned during a time of struggle what kind of inhuman methods have been applied in the fight against us. The more humanitarian a state is the more German it is - the more just a state is, the more indestructible it is - and the greater an empire is, the greater must be the consciousness of right of those, who are responsible for this empire.

The European New Order will bless this Right of the empire. And we will finally seek to balance by justice the lot of the mourning, of the tortured, of the innocent and of all those, who have suffered wrong. Right and the European New Order in harmony shall bring a blessing to the world.

(lasting always renewed stormy applause).

The leader of the Society of Political Science and Law, Professor Dr. Schoenbauer concludes the evening of the meeting with the following words:

. . . . . You have taught us always by your example that to be a German Guardian of the Law does not mean to be a stickler for the letter of the law or a formal lawyer, but a guardian and a protector of Right, of that part of moral order without which no nation can exist. . . . . .

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. . . . . Under this flag you have founded a Right Protector League, you have brought to life the Academy for German Law, and the founding of the International Chamber of Law occurred under the flag of Right and of Justice. All have been stirred by your words today, because they felt: This is a message which appeals to the hearts and not only to the intellect, and which at the same time indicates the stormy powers for all future. Therefore we thank you from the bottom of our hearts. . . . . .

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Fr. 17

2233/PS

Frank's Diary 1942, Vol, II, Notes of 20th July 1942.

Page 623-639

Speech of the Governor General Reichsminister Dr. Frank on July 20th 1942 in the Great Auditorium of the University Munich on the theme:

Law as Basis of Racial Community.

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In connection with the theme of this evening I have furthermore to oppose with emphasis an essentially exaggerated, some times absolutely incomprehensable criticism of the activity and the work of the lawyer, as has been made noticeable in a very regrettable manner. I am proud to be able to declare myself also a lawyer in this auditorium, in which such great teachers of jurisprudence have submitted knowledge about the law to young students, -because a decisive importance will accrue to the Law and the idea of Right in the forming of racial comradely existence at the creation of the new community of European nations, and in the forming of relations of the individual folkdoms in Europe to each other.....

After these statements it is now my task - and maybe I . . as a National Socialist, as Reich leader and as an old fighter comrade of the Fuehrer an the only one in a position to stand up to this task, - to make clear my position towards this criticism exercised in a form gradually becoming unbearable against Law, against judges, lawyers and other guardians of the Law, and which very often surpasses every bearable measure,

(stormy applause)

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Law is plainly the content of national community. One cannot grasp national community otherwise than by way of Law. There is no other form. If one thinks of the Germanic-Aryan idea of State -as we National Socialists indeed to- then one must all the more see in the Law a sacred common property and must never forget that the essence of Germanism consisted in facing Asiatic barbar and despotism as light faces darkness. Therefore one should also know that one denies a national community itself, if one denies Law as its content. Naturally precisely we know also, that the practice of the Law sometimes produces phenomena worthy of criticism. It is self-evident that bad laws exist, that not every judge is fit for his task, and that unworthy elements show here and there in the legal profession. The Fuehrer hirself has taken occasion several times to express his severest critisism. But it is impossible to talk about national community and to regard the servants of the Law as expelled from this national community and to throw mud at them in the middle of the war.

(lively applause)

The Fuehrer has transferred to me the tasks of the Reich leader of the Reich Legal Office,(Reichsrechtsamt) and that of the leader of the National Socialistic Legal Guardianship League (National-sozialistischer Rechtswahrerbund),and therefore it is my duty to declare it as harmful to German racial community if Lawyers are called "cesspool-animals" in the 'Black Corps' (Schwarzes Korps'

(stormy applause)

.....In this connection we can only say: The Law contains one of the most decisive Germanic missions of culture which exist. Without Law no community.

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But if there should be Law in this sense, then there must also be the guardian of this Law and indeed a trained guardian. Then there must be that one who supports the lawmaker in his formulations and in addition to this, those men of the Law, who transfer into the forming of the individual racial comrade the will of the lawmaker, who must reckon with 80 millions. You know that there is a great struggle going on about the frequently mentioned independence of the judge. Very often one hears the opinion that the independence of the judge is something which contradicts the authoritarian State leadership of our Reich. I am of the opinion - and I am going to prove it - that independence as we understand it and as it must be reasonably understand has been given to the judge as an essential element, if he shall be judge at all.

(stormy applause)

The lawmaker expresses his lawmaking will out of the necessity and the need of the entire nation. The fate of racial community is more important to the lawmaker than the fate of the individual. But the little man of the people on whom the entire burden of community rests, can reconcile himself with his fate, only if he believes that he is treated with justice. If one takes away the independent judge from the little man of the people, then one makes him defenseless.

(lively applause)

. . . . . This independence of the judge is one of the oldest Germanic cultural goods. To stand up for it is not a democratic-liberalistic, parliamentarian-Jewish decadent reaction or something, to that effect, but a standing up for this independence of the judge is as Germanic as anything can possibly be.

(lively applause)

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We have to consider it as epitome of our community order. The authority of the Reich, embodied within the fate-like figure of the Fuehrer, is absolutely untouchable by individual fate. It is impossible that a judge can be a danger for the Reich. It is impossible that independence of the judge in deciding the case of a racial comrade can endanger the Reich. It is only a danger for those who want may be some thing on the soil of the Reich other then Law. Therefore I must protest, as leader of the National Socialistic Legal Guardianship League, in the name of the power given me by the Fuehrer, against regarding the men and the bearers of Law as racial comrades of any lesser value then all the others. Lawyers are part of an honorable and important profession. Nor are they satellites of the liberalistic-democratic system. They carry within themselves one of the most sacred ideas of racial community, namely that always the other side has to be heard also, that nobody can be condemned who has not been heard concerning what he is accused of. He should be a mighty help to the racial comrade within the struggle for his rights. This lawyer is no cesspool animal, he does not rummage in dirt and filth, he is one of the most important community figures of our nation. We are able to measure almost the cultural level of an empire and a state by what rank and what prestige judges and prosecutors enjoy within a community.

(wild applause)

It is clear that it is of greatest importance to make sure that the method of arriving at justice is safeguarded. For the personal representatives of jurisdiction can be possessed of human faults, they can commit errors, as is generally human.

H0664-0042

The authority of the Reich, the authority of the Fuehrer will protect jurisdiction. It will be possible to safeguard our racial community by seeing to it that the racial comrade is sentenced only if he has found his judge within the frame-work of a previously organized procedure. Many have told me formerly, when I represented this idea again and again: what do you want? Judges are bad, they are old men, they are not very brave, they sit there and tremble; life is in contrast fresh and clear and straight. Here I can say: The judges are racial comrades, among them are men of different character, as in all professions But I have not found in the whole German Reich one judge who interpreted the law to suit somebody's ends in the 2400 or more law-/suits which I personally have conducted in the service of the movement during the time of the struggle,

(loud applause)

It is essential that I as the most competent national socialist in this field make this statement in the face of so much negative criticism. There were many who formerly said: does this still fit into the 20th century? A few men in funny costumes are sitting at the head at the court table, in front of them stands the unhappy racial comrade. In front of him the prosecutor solemly arises and at his side the lawyer stands - is there not a direct method to obtain the result? Yes, the direct method is to exclude the judge, the prosecutor and the defense counsel and to bring the executive power in direct contact with the individual, to the effect that the man deprived of his liberty is not convicted in public; this has a further effect that far-reaching circles will adopt the opinion

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that it would be better yet if even a bad judge would afford the defendant an occasion to be heard. But it is decisive that the action of the state executive, a purely police or other action, is considered as being below the standard judicial procedure.

I believe that all of us could achieve that the Reich of Adolf Hitler would get the judges, who in his service will fulfill everything necessary for the protection of the State. When in 1939 on the day of German Law at Leipzig I talked and stated there these principles in front of many thousands, there were some who said: the direct method is still the better one. Today I still receive letters from the circles of Law Guardians and above all from circles of our party comrades with the contents: maybe it is more correct if it is done the way you have suggested it. The sense of justice and the interest taken by the racial comrades in the community. Therefore they believe that the service of the law is still better than any kind of Police State, if practised by the guardians of the law as judges, lawyers, custodians, notaries and so on - even if they are still criticized to such a great extent due to the multitude of human errors.

(wild applause)

And I have to stand up for this service of the law in the name of the National Socialist German Workers Party, supported by point 19 of the party program, which safeguards German common law for the German nation.

During the war, too, the postulation of a legal culture is important for a development of our national order. The Fuehrer personally has told me a short while ago that by far the majority of all German judges fulfill their duties faithfully.

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hen this war is finished, which imposes so many tremendous tasks on the Fuehrer that it is quite beyond imagination, then the demand for the law will assume a clearer character than it is possible in the emergency of war. But it is important that it does not pass away during the war, that no harm arises from senseless criticism of the institutions and personalities of the law within our Reich. It must not seem as though the law were losing the protection within our Reich. The law is the personal protection of our nation. Again and again I must remind you that the millions of men in gray coats possess a distinct personal protection by their military jurisdiction. No soldier loses honor, life or liberty in the sense of the penal code, without judgment. This must also stand for the nation.

It is self-evident that some things which I go into here impress you as if they constituted a program for the future. For reality unfortunately often speaks another language. I myself would now prefer to fulfill only my task in the East . But I must come to the conclusion out of many experiences and facts reported to me, that many a great word of the Fuehrer has been misunderstood and that there are even party comrades who believe now it would be the time to break entirely, so to say, with the medieval nonsense of justice now. This also allegedly has made itself felt within the halls of justice. This shall not be. For the party has taken on the obligation with point 19 of its program, to give a German common law to the German people, and therefore it is clear that where a judge, dressed with the insignia of the sovereignty of the Reich, lays down the law in the name of the German people,

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who really is in a position to protect the individual citizen. He can pass on his complaints, he can meet the individual need for protection. But if the office of the judge is lost then the racial comrade is suddenly without protection and help, delivered to the omnipotence of the state. If the judge were removed or if his authority were shaken, the confidence of the people to the state and its actions would disappear; for here is the office which alone can truly arbitrate between both of them. The law therefore is not only a stronghold of confidence between nation and leadership, it is also a protector of liberty. Just as a nation can not exist without law, it can also not exist without liberty. Liberty, however means also the possibility of spiritual development. We are not a nation of Slavic - Jewish conglomeration and do not fall for the delusion of the possibility of a spiritual standardization of 80 million people. The creative personality is the beginning, center, and goal of our racial life. It is the expression of our racial vitality, the strength and the sense of life of the Reich and the national community. This creative personality expresses itself in that it passionately serves again and again in the young generations the problems of a new time with new visions and new faith.

Just as the spirit has to be developed freely and the genius has to be furthered, one must not try to hinder scientific knowledge. One cannot state that science must remain as it was in the year of 1933. There is no national socialist physics.

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It has been one of the most beautiful cultural missions of the legal tradition to establish these delicate and important nuances which may endanger the community if handled in one way or another.

Maximum punishment, however, is depreciated if applied constantly and exclusively, as it is irreconcilable with the foundations of a human community. Therefore, whenever possible, I advocate the use of the right of amnesty on a far greater scale. It should never happen that a death sentence is recognized right away, while a sentence without this penalty is subject to criticsm because it does not contain it. We should come to the realization that each historical age has to fulfill its mission, but that it represents only a part of a nation's eternal existence and thus not a single seed should be permitted to take root at any time which may destroy the hopes of the future. Accordingly we have to meet those, who have nothing but criticism for members of the legal profession and who are trying to debase our profession in a manner really quite unsuitable in war times, with earnest force-fulness and ask them the following question:

"Don't you think, that 80 million Germans are considering the legal order as the foundation of our people's happiness?"

We are grateful for any criticism in legal matters. We practice it ourselves. We are grateful for objective criticism of any particular sentence, and we practice it ourselves. But from now on we are determined not to permit throwing dirt at us any longer.

(wild applause)

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The guardians of the Law fulfill their duty at home and at the front, just as all other racial comrades do. What should the widow of a fallen lawyer think when she has to read that her husband has been an creature of the sewers? Let's not be mistaken, the National Socialism of Adolf Hitler is alive and his face is turned toward the sun, and we, the oldest fighters in his service, beseech him: Fuehrer, defend your guardians of the Law, too!

I have built a house here opposite the University. I have dedicated this house of German Law to a conception, to the conception of Law. At its inauguration I bound myself to create a national legal code of the German people. Endless work is required to express the accumulated ideas of this century in our ethnic legal system. I erected this house also as a memorial to my old fighting comrade Theodor Vonderfordten, who fell in the ranks of the Fuehrer in November 1923. A few days before his death in a serious talk he gave me the mission to stake my life regardless of anybody or anything and to identify my life problem with the conception of Law.

Thousands of years are gone through our national conscience. Repeatedly we reached the summits in history, followed by declines, from which renascence began again. One thing, however, kept shining brightly. The pure spirit of our people. The belief in a higher mission of our existence and in the indestructible rights of our nation.

(Wild applause)

H0664 - 0048

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2233-PS

Frank's Diary 1942, Vol. II, Entries from July 21, 194 (last figure unintelligi

Pages 640 - 659

Speech of the Governor General Reichsminister Dr. Frank in the auditorium of the new university in Heidelberg, on the subject:

The Conception of Right and the New European Order.

Since the hall was overcrowded already before the speech began, it was broadcast by loudspeaker still into another auditorium.

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The Governor General Reichsminister Dr. Frank subsequently began his speech on the theme: The Conception of Right and the New European Order.

He states:

. . . And so we see, that in the realm of lawmaking there has been accomplished a monumental work on the origin of law up to the beginning of this war. Of course, the problem has not yet been settled entirely:there are the relations of the individual to the application of law, of the movement (NSDAP) to the reality of law, and of the state to the legal profession. In Germany we suffer very much under the prejudice in regard to legal interests which grew out of a century-old estrangement between the legal profession as such and the ethnic community proper, an estrangement always artificially stirred up, though really not at all so important. There were times already a century ago when the scientific character of law has been contested. In fact there never have been times in Germany in which the lawyer has not been the target of the most serious critical remarks.

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We lawyers and guardians of the Law are perfectly aware of that, but our experience and fore-knowledge did not let us deviate from placing our spiritual strength at the service of the Law. Today there can be noticed something like a new wave of anti-legalistic thought and activity. On this very spot, under the roof of one of the oldest German universities, which has contributed so infinitely much and in so great a way to the science of law, we must righteously acknowledge our pride in being servants, representatives and workers of the Law.

In general and particularly in these critical moments one should not have the slightest doubt, that we national socialist lawyers regard ourselves as just as good national socialists as anybody else. In no way are we willing, therefore, to lessen our effort in accomplishing our legal ta: in the service of our nation, just because here and there suspicions are uttered ard attacks are directed against us. In these days of deep concern in our national commu ity one should not select a specific profession or group, saying: all are supporting the national community but the jurists. This should not be said; lawyers also belong to the national community. Hundreds of them fulfill their duty at the front like others do, many of them have fallen for the glory of their fatherland. It is unbearable and I find it ugly when a paper like the "Black Corps" writes that lawyers are creatures out of the sewers. What should the widow of a fallen lawyer think when she reads in a paper of our party that her husband belonged to a profession allegedly deserving such insulting designation.

H0664 - 0050

Thus one should revert to the conception of law as being a sacred property of the community. One cannot speak of Germanic ways and life, if one does not mean above all that the Germanic element in the history of the spirit is of greatest significance with regard to the legal culture of the nation.
But never should there be a police state, never! That I oppose!
As national socialist and as the leader of German law guardians I feel it my mission to protest against these constant defamations of lawyers and the law, in any form. I am not seeking a quarrel and would not touch this problem during the war, if it were not constantly brought up by the other side in the most malicious way. As long as the German lawyers fulfill their duty, we should and shall keep them in office. I vigorously object to the fact that a profession should be attacked and defamed purely out of spite and constantly nagging thirst for criticism. This is intolerable, because as a state we are strong, because our inner order is firmly established and because we know no longer any opposition or parties in any form. Therefore I affirm that the national socialist Reich and the national socialist judge have merged into an unbreakable unity ....

As long as the German nation lives it will possess a genuine feeling for justice. Formerly there were many who repeatedly asserted: This conception will hardly stand the test of time. Many of those, who said that to me then, have repented today. Many individual letters, written to me uninterruptedly by the German people, are clearly showing how strong the striving for justice is among our people and how sensitive they are on this point.

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But our movement must therefore comply with this spiritual need for justice in our people. We want indeed to remain a real, clear and truly popular movement, not a forced labor institution, but a real, clear national community of German men and women, of German youth and German workmen in all professions, who, true to the Fuehrer's order, have gathered around him for the fateful struggle. But there is also something else which should always be connected with law: humanity, a word one sometimes does not dare to utter any more, as though it had become a foreign word. Europe wants to be humane. That means: it is not necessary, that for everything and on everybody only death penalties should be imposed, constantly and permanently. We want to be humane. There is no state, which would be harmed by being humane. By that we want to learn, and we will always stress it, that law, its cultivation and the legal service have been established purposely for the German national community in order to become a home of refuge for the erring and the failing little fellow countryman. He has nobody else. How would we meet the urgent need of our people if they were deprived of the protection by law and the judge? These little men have no weapon, they are defenseless. Therefore, this humane treatment of our people must be safeguarded in every respect. The critics of the legal system and the constant slanderers of the legal profession must realize that I speak here not only as the representative of the lawyers, but also as a German.

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Indictment USA - 607 - 2233 - PS - X

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Concluding reflections on the developments of the past quarter year.

In connection with the developments of recent weeks I have submitted my resignation to the Fuehrer through a letter to Reich Minister Lammers from my position as Governor General, in the assumption that his confidence and his approval of my activities have been withdrawn from me.

Before I submit a final protocol, as it were, of my activities in the Government General I should like to give a brief summary of the previous history of my present conflict with the Fuehrer.

Ever since 1920, my services have been dedicated to the NSDAP. In June 1919, like the Fuehrer Adolf Hitler, I attended as training officer the university lectures to which the Fuehrer refers in his book "Main Kampf". After that the political turn of events and my determination to cooperate most actively in the reconstruction of Germany drew me more and more into the National Socialist movement, the authoritative founders of which I had already come to know well in the Thule Society in the autumn of 1919.

I took part as a National Socialist in the events of November 1933, for which I received the Blood Medal. When the movement was reestablished in 1925, my real, larger activities in it began, which made me at first in gradually increasing measure and later almost exclusively -as legal advisor of the Fuehrer and of the executive board (Reichsleitung) of the NSDAP- the decided representative of the legal interests of the coming Third Reich in legal ideology as well as in legal practice. And so, as counsel Dr.Frank II, I conducted the defense of the party members, during the difficult years of battle, in all the appellate court districts of Germany,

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represented the Fuehrer in law suits, etc. The culmination of this work I consider the great Leipzig Reichswehr trial, in which I succeeded in obtaining the admission of the Fuehrer to the famed legality oath - a condition which made it juridically possible for the movement to take great strides in its development.

Possibly in recognition of these (achievements?), the Fuehrer had appointed me already in 1926 head of the National Socialist Jurists' League, in 1929 Reichsleiter of the Reich legal office of the NSDAP's executive board, March 1933 Bavarian Minister of Justice, in the same year Reich Justice Commissioner, in 1934 president of the Academy for German Law founded by me, in December 1934 Reich Minister without portfolio, and in 1939 finally Governor General for the occupied Polish territories.

Thus I was, am, and always will be the typical jurist of the fighting years of National Socialism, although I am determined to uphold point 19 of our party program, which promises the German people a German common law.

In connection with these multiple fighting tasks for the right of the Fuehrer and his movement, I never abandoned the attitude which I call the "Idea of justice". By this I mean the ideal relationship between Leadership and people of a state, according to which the relations between these two are built largely on legal standards recognized and practiced by both sides. One ingredient of this attitude is for me the unshakable and unchangeable point of view that a country like the German Reich cannot last in any form whatever

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unless it adopts this idea of justice. It is impossible that a Reich like this could be enduring as an arbitrary police state in which the individual citizen is without any right while state authority possesses all rights.

I regret to find that within the ranks of the National Socialist state-leadership, too, the viewpoint seems to prevail to an increasing degree that the authority is the more secure, the more absolute the legal insecurity of the subjugated citizens of the state is. The widening of the police ranks' sphere of power subject to arbitrary application, has at present reached a point where one may speak of a complete judicial detachment from law of the individual fellow German. Of course, as reason for this condition is given the necessity of war or the necessity to condense fully all national energies for one goal, and above all to completely cut off all possibilities for oppositional disturbances in the course of the nation's freedom program. Yet, I am of the opinion that the German character carries in itself a deep sense of justice, the satisfaction of which would much more effectively kindle our people's joy in community and readiness to serve than the application of rigid force can ever do. When it is possible, as it is today, that every fellow German can be put into a concentration camp for any length of time without any possibility of defense, if it is so that life, freedom and honor, honestly acquired possession, etc., cannot be safeguarded, then it is my firm conviction that ethical relations between state leadership and citizens will fall out, too. It will then take the greatest measure of trust by the German people, which only the magnificient personality of the Fuehrer can inspire, to endure under these developments a while longer.

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According to my knowledge of history, the matter is clear. If our German Reich is to survive, it needs, besides a clear state leadership and besides the clearness of the defense situation, to keep the race healthy and to maintain the National Socialist world philosophy, above all this internal legal peace and the constant satisfying of our people's need for justice.

The following are the rudimental forms in which these necesities are constantly fulfilled institutionally:

1) No fellow German may be convicted without regular court procedure, and on the basis of a law in effect before the act was committed.
2) The procedure must carry full guarantee that the accused will be interrogated on all matters pertaining to the indictment and that he is free to defend himself.
3) The accused must be enabled at all stages of the trial to avail himself of the services of a defense counsel acquainted with the law.
4) The defense counsel must have entire freedom of action and independence, in order that an even balance may be secured between the state prosecutor and the defendant.
5) The judge or the court must make the final decision quite freely - that is, the verdict must not be influenced by any irrelevant factors - in logical consideration of the subject matter and in just application of the content of the law.
6) When the punishment meted out by the sentence has been fulfilled, then the act has been atoned for.

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7) Measures for protective custody and security custody may not be undertaken or carried out by police organs, any more than punishment of concentration camp inmates, except from this same point of view, that is, upon approval of the planned measures by the regular, independent judges.

8) In the same manner, the administration of justice for fellow Germans must guarantee full safeguarding of individual interests in all relations pertaining to civil suits proper.

These viewpoints have nothing to do with liberalism, parliamentarism, decadence, Jewry, or such. They originate from old Germanic practice, old Germanic ideological concepts of state. They are the absolutely unabatable prerequisite for happy relations between state and people, for the maintenance of all sound initiative striving by creative persons and for that agreeable harmony within a community which is of an infinitely higher value than any enforced mass organization.

It is common knowledge that these views which I continally followed since 1920, even as a National Socialist in the National Socialist movement, in the courtrooms of the existing system, which by its laws for the protection of the Republic and by other persecution measures had long since fallen into the mistake of acting onesidedly and unjustly against the rising National Socialist movement, are of basic importance. These views are also, however, an expression

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of my characteristic personal attitude toward matters of the law in general. I have never concealed it and never will. In my opinion it is evident that the happiness of the Fuehrer, of his Reich, and of his people depends on whether or not and to what largest possible extent these principles as outlined by me are followed through.

I never experienced any difficulties in proclaiming these principles, which I disclosed ceremoniously and on a large scale before 25000 people on the last Leipzig Day of German Law in 1939. Only with the rise of the Gestapo machinery and the increasing influence on the authoritative leadership views of the police has this attitude of mine come into increasing contrast with a more and more powerful representation of the opposite kind. As I had to observe during recent years many signs of the Fuehrer's increasing personal displeasure against the juristo, as the state's intervention in justice has become continually stronger, and the relationship between police and judicial organizations has developed into almost complete ruling of justice by the police authorities, I realized that it would become increasingly hard for me personally to advocate in the same manner as before my ideas which I considered holy. I was obstructed in many ways and was made to feel in increasing measure the disfavor of the holders of power of this time against my views. Moreover, the position in which I found myself became the more difficult as in the realm of justice the weakness became more and more apparent against the antijuristic arguments presented with bombastically demonstrative force.

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Very soon no judge dared any more to pass sentence without looking up to some authoritarian position, which naturally led to the result that a horrible desolation about the development of justice in Germany took place. The organ of the SS, the Black Corps, employed an increasingly agressive and insulting tone toward all institutions of justice and protectors of justice, apparently tolerated by the highest authorities. Expressions such as "lawyers are sewer animals" were used repeatedly.

In view of this development I decided to sum up once more my idea of justice - and, as I am firmly convinced, our whole people's idea of justice - in four great speeches (the complete text of which I attach to this declaration) which I made in the course of June and July 1942 at the Universities of Berlin, Vienna, Munich and Heidelberg, at the places which have always been the fairest places for the defense of human dignity, personal happiness, and the state ideal during the entire spiritual historical periods of struggle of our nation: our universities. I realized fully that only by fixing a goal in the widest publicity could the idea of justice once again be presented for judgment by the Fuehrer, the Reich, the Movement and the people. Since the opponents of the idea of justice and the opponents of the protectors of justice did not keep silence during the war but believed exactly war suited to increase their severe and injurious attacks on the protectors of justice and their work, I too had to speak. As the leader of protectors of justice I received despairing letters from all circles of the protectors of justice. Out of the German nation a really desperate mood penetrated from many letters about an ever spreading insecurity of justice. A possibility to speak with the Fuehrer personally about these questions

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was not given me despite various attempts to bring about a meeting with the Fuehrer. I deemed it necessary, as Reichsleiter, Reich Minister, and high funtionary of the Reich, to confess to the idea of justice in the name of the Fuehrer, in order to make the calming influence pervade the land that even the highest top of the Reich - against all appearance and against the development as it was announced especially by the last Reichstag speech of the Fuehrer at the end of April of this year, in which he discussed an individual juridical case in an especially critical manner before the Reichstag, the people, and the world - was nevertheless bound to the idea of justice.

However, it was also clear to me that with these speeches my activity in the legal system would probably come to an end. The controversy had already become incurable. Where there was so much power on the side of the executive and only pitiful remnants on the side of thelegal system, kept up for the sake of tradition or convenience or appearance, there could be no doubt that the only alternatives were the complete subjection of justice to the executive in any form or the end of justice in itself. I as leader of the National Socialist legal system had to enter this fight myself as a victim. I could not expect this of anybody else; nobody else was in a position to do so. I made this sacrifice. The four speeches caused a tremendous sensation. Their echo among the German public was complete confirmation that our people's longing for justice was entering a critical stage. I was deceived in my hope that the Fuehrer would realize from this how necessary was the final change of the legal system in the sense of the ancient Germanic idea of justice.

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The Fuehrer, through Reich Minister Dr. Lammers, requested me to resign my offices as Reich leader of the National Socialist Justice Protectors' League, as President of the Academy for German Law, and as head of the Reich Law Office of the NSDAP. At the same time the Fuehrer decreed that I was absolutely forbidden to make speeches, with the sole exception of the speeches which I would make as Governor General, strictly confined to my field of work within the Government General.

I resigned from these offices of mine and was thus practically at the end of my activity as legal leader of the NSDAP and of the Third Reich. When at the beginning of last week the former president of the People's Court, Thierack - with whom I and the whole legal world were in a most severe conflict, because he was the first, as President of the People's Court, to admit representatives of the police to the criminal proceedings at Prague as state prosecutors, eliminating the People's Court's own public prosecutor, and who repeatedly expressed in practice, not only by this but also by the rest of his conduct, complete agreement with the new course - was appointed Reich Minister of Justice by the Fuehrer, he became at the same time Reichfuehrer of the National Socialist Justice Protector's League and the president of the Academy for German Law, which was founded by me. The Reich legal office of the NSDAP was dissolved, the district legal offices too. By this the Fuehrer also emphasized toward the outer world - together with the decree which he addressed to the new Reich Minister of Justice Thierack and in which he empowered him to deviate from written law in the creation of a National Socialist administration of justice - his determination now to abandon the viewpoints propagated by me. As this development was no surprise for me, it could not hurt me.

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Herein I do not see a crisis of justice, but a crisis of the State, and internally I pray to God to let the unavoidable consequences be as slight as possible.

Nevertheless my sacrifice obtained the result that the "Black Corps" abandoned its attacks on the protectors of justic and that Reich Minister Dr. Goebbels issued a prohibition for th German press in the same tendency, forbidding it to occupy itself in an injurious and biassed manner with the protectors of justice, and that anyhow there is some Minister of Justice at the top, so that the gap which had existed since the death of Guertner on 20 January 1941 is closed, at least formally.

I myself cannot, of course, even on the basis of this new development, change my attitude in any point. I bear within myself the clear confidence that our people's idea of justice is immortal and cannot be destroyed by any state system. Like a misunderstood prophet who is in disfavor with the powers of the time, I look from my spiritual position into this development which is now coming. Since all forces of the nation must now be strained for a final victory of the German Reich, it is necessary that all these forces be now clearly under the one command of the Fuehrer and at his disposal. As the Fuehrer assumes that this would not be possible to such an extent by th way I have indicated, I ask of fate only that this opinion may be verified in the sense of his liberty program. I also hope th perhaps after the end of this war another conception may assert itself, based on experience up to that time and differing completely from the idea prevailing at present, of the necessit of a destruction of former justice-

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namely the conception that without fulfillment of a program of justice such as I have outlined above in points 1-8, a lasting, happy internal situation of our nation is impossible.

At this moment I think with heartfelt gratitude of my co-workers in this struggle for justice. What they all have done and suffered - headed by my old, true followers Dr. Buehler, Dr. Heuber, Dr. Barth, Eisenlohr, Dr. Dresler, the many brave district legal office heads and the many other co-workers, above all also the men of the Academy for German Law, at their head Professor R. Dr. Enge, Director Gaeb, Director Herbst, etc.- binds me to them until my last breath. They were the supporters of this, attempt, perhaps unique in world history, to achieve, within the framework of a revolutionary dynamic, the stability of the historical results gained by the revolution, by securing at the same time the unity of authority and legal security. This experiment is to be considered for the time being as a complete failure. If anything consoles me at the moment, it is the fact that at least two of the institutions founded by me - the National Socialist League of Protectors of Justice and the Academy for German Law - were not immediately dissolved by the Fuehrer. Thus he has paid, at least indirectly, a certain tribute to my work of construction.

It is just, that in this total connection of the controversy of the Fuehrer with the legal tasks of the time, all the lightning of his anti-juridical ideas has been concentrated on my head. For I alone am responsible for this development, I am guilty of it, and I should be affected if this development, as has now happened, should come to an end.

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I only hope that one does not withhold this point of view from my co-workers for their benefit.

Noteworthy above all was the sensation created by these measures as an answer to my speeches, in wide circles of the German nation, especially in authoritative leadership circles of the Party, of the government, and of the Wehrmacht. I should lik to report at once to the Fuehrer what I have received here by wa of testimonials during the last weeks and days, in order to show him how obviously wrongly informed he was, when it was emphasize again and again that my struggle was a completely isolated juridical-egotistical outbreak of professional conceit, so to speak. The idea of justice is as old as the idea of liberty; but both are spiritual-mental children of Germanism.

It is a matter of course that these measures also affect my position as Governor General. As I have already emphasized, I have made this position of mine available. A decision of the Fuehrer has not yet reached me as I dictate this. I would accept this decision as sent by fate, without moving an eyelash. What I have done in the Government General as creator of this modern structure of leadership and State belongs to history. I look bac with pride on this work of the last three years. The Government General is today the most clearly led and most securely administered territory, from which incalculable aid arose and is still arising for the German Reich in its difficult tasks of war. The performances of this area "Government General" cannot be estimat at all. A completely destroyed, vague and desolated territory has today become the substratum of a neighbor for our Greater German Reich capable of any flowering. The population is pacifie

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work is advancing with the greatest energy in all sectors of econ. my, traffic, food, of construction, etc. German leadership within this area is just as unopposed as is the safeguarding of an ever-growing influx of a racial German element. This Government General will one day be one of the most prosperous lands of our German state community.

From this one can judge how difficult it is for me to take my leave from these tasks. But as the Fuehrer has depicted me before the whole nation as an opponent of his course, I do not believe that I will stay much longer in this area, for my opponen would know only too well how to draw increasing profit from this state of affairs for themselves and their aims, even in the Government General. Even if I could disregard this development, the thousands of officials and employees under me, the institutions to be cared for in this country and the living possibilitie in this area, would suffer severely/under/a development which, under al considerations of the Government General, would obviously be supported in all its radiations only by the thought not to give any kind of support or furtherance to a Governor General in disfavor. My officials would not be promoted any more, my employees would not be secure in their existence any more, no consideration would be given in any way/to/the eminently reduced needs of life of this area- all this in the cheerful expectation of finding in the difficulties in this area food for the constant assertion that my activity here, in this or the other regard, is not as useful as it seems.

I have stated essentially the entire work performed in this area since September 1939, in diaries, in shorthand records of my speeches, etc.

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This unique working document will prove for all time the earnest will with which I took up the task assigned to me, and it will give evidence of the great proficiency with which all my assistants who have shown themselves as valuable up to the present, have accomplished their task.

It may not be concealed, either, that in this land of terror and distress we have had a frightful amount of misfortune in our work. The joyful sun of happiness did not always shine upon my work, and horrible shadows of grave unexpected worries befell me often and robbed me of nightly rest; nevertheless, I want to express my gratitude to fate which permitted me to overcome all tests, even the sternest ones, in this respect. What the case of Governor Dr. Lasch meant for me cannot be expressed in words. The steady struggle for the maintenance of the uniform authority of the Governor General against the constant attempts on the part of all sorts of official agencies to reduce or even destroy this authority in personal or official respect, could be carried through only by the employment of all my strength. I put my trust in the just judgement of future times and I know that these will pass a just sentence in my favor.

Yesterday I have officially charged my deputy, Dr. Buehler, with the conduct of the affairs of the Governor General until such time as a decision is cast with regard to my letter addressed to Reich Minister Lammers. I intend to leave tonight for Munich in order to join my family there. For the future of the Government General I have given the order that the organisational union of the Government General with the Reich, which will be inevitable if the transfer of administrative fields of work from the uniform authority of the Government General continues, be already politically prepared at present. It is my will that the director of

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the principal department Internal Administration in the government of the Government General, party member Dr. Siebert, undertake the practical preparation of a plan for the possible transfer of the Government General to the Reich administration. One could imagine that the Government General will become a uniform Reich district (Reichsgau) with a Reich Governor (Reichsstatthalter) at its top who - as in the Reichsgau Wartheland - could attempt with the support of the German population of the country to deal with conditions there. I myself, however, regard the present time as much too early for such a development. One could compare/ /it to the shaking of an unripe fruit which offers the best prospects of ripening, off the tree. Since, however, the feeling of the Reich Central Office against the leadership principles of the occupied territories - time and again decried as too autocratic - becomes evidently stronger, and since this attitude camouflages itself skillfully by pointing to the necessity of a far-reaching consolidation of all leadership and administration tasks also in the new territories as dictated by the military situation, there will be little hope that the Government General will continue to exist in its present structure for any length of time, except for the one chance that through my resignation as Governor General and through the replacement of my person by a managreeable to the Fuehrer all those arguments which had been based on facts but yet were directed against my person only, might lose their foundation and the viewpoint of a possible continued toleration of the Government General in its present form might again gain support. But no matter what the reasons for this development are, - even in this case the gain of the Reich would be greater if it would leave the Government General its independer than if the Government General would lose that independence.

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In this question of my continued stay in office the viewpoint is very important that in my capacity as Reichsleiter I am head of the administrative department Government General of the NSDAP. The history of this administrative department need not be restated in this connection. It is a proud instance of National Socialist expansion. I have founded this administrative department, its ideas were successful and we have prepared a home here for the party the entire movement can be proud of. But how can a man publicly stigmatized by the Fuehrer as I was, continue to be able to play this exceptional part especially in this organization closest to the Fuehrer, namely the NSDAP, as I used to do? Here, too, the results for the party organization would be the same as for the state organization: my party comrades in the local party offices were not promoted, they were not taken over into the status of the general movement, they would be submitted to constant criticism and disparaging remarks and in the place of joyous community work operations would be poisoned with malicious suspicions which would lower party work to complete dullness. It will, therefore, be necessary that the future Governor General of this territory will have to have the complete consent of the head of the party chancellery, party comrade Bormann, which I am evidently lacking entirely.

Summing up I want to state the following:

1. Now as ever I profess to be a National Socialist and faithful follower of the Fuehrer Adolf Hitler, whom I have served since 1919 and whom I hope to be permitted to appeal to for better understanding.

2) I profess to be a fanatical supporter of the law concept of our nation, and I know that the future also of our National Socialist Reich lies exclusively in the carrying

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out of this law program. When this Reich will have become a world empire after the victorious conclusion of this war it will be especially necessary that the law system of the leading German nation will be high above the level of those of the national areas comprising the various parts of this world empire.

3. History teaches that no great empire can exist without a legal system of this kind. Outstanding in this respect are above all the Roman and the British Empires, the two of which continued to exist for centuries in this manner because they safeguarded the law system of the leading nation.

4. I profess that the unity of the Reich and the unity of the movement will be in danger when a formation or an agency of the state - namely the police or the SS respectively - acquires so much power that it reduces the activities of other government agencies to mere pretense without any real power.

5. However, I profess, too, that now during the war all forces must be at the exclusive disposal of the Fuehrer in immediate subordination and that this must result in the necessity of reducing the individual to an extent just about tolerable; that however this reduction must not be identical with the complete destruction of the legal position of the individual. This is necessary and must not be overlooked. The power and the safe knowledge of being able to apply force without any resistance are the sweetest and most ruinous poison with which a government can be instilled. Applied over a period of time this poison is absolutely fatal and history teaches that systems based on right last for thousand of years, system based on might hardly for decades.

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I could remain in my office as Governor General only if the Fuehrer continues to emphasisize effectively his express confidence in my activities as Governor General. It remains to be seen whether this will be done. For the time being it was my duty to explain in this general resume and personal statement how the state of developments came about which I realize today.

My enemies continue their endeavors to undermine my position with the Fuehrer as I am the most articulate exponent of the struggle against their efforts. I fully realize that. I myself, however, hope for the justice inherent to times and eternities as a primeval element of creation. I hope that in spite of all and for the benefit of Fuehrer and nation my idea will be victorious in the end. With this hope I bid good-bye also to my assistants in the Government General. I salute them and when we look at the Government General we can say: We have not lived in vain.

Krossendorf, 28 August 1942.

sgd. Dr. Frank.

H0664-0070

We, Annemarie C. Catlin, Virginia von Schon, Bert Stein, Theodore Lit hereby certify that we are thoroughly conversant with the German and the English languages and that above is a true and correct translation of Document No.

18 April 1946

Annemarie C. Catlin, X 046172
Virginia von Schon, X 046318
Bert Stein, B 210875
Theodore Lit, X 046185.